

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DARYLL LUCAS,

Plaintiff,

v.

LACINDA ELGAN, *et al.*,

Defendants.

Case No. 2:23-cv-01688-ART-BNW

ORDER ADOPTING REPORT AND
RECOMMENDATION

Mr. Lucas brings this case against Defendants Lucinda Elgan and Mark Rutledge asserting claims under 42 U.S.C. §1983 for denial of access to courts and violation of the Interstate Agreement on Detainers Act. Before the Court are Mr. Lucas's motion for preliminary injunction (ECF Nos. 4, 5), motion for summary judgment (ECF No. 6), and motion for judgment (ECF No. 8). Also before the Court is Magistrate Judge Brenda Weksler's report and recommendation (R&R) recommending denial of each of the above motions. (ECF No. 14.)

Magistrate judges are empowered to issue reports and recommendations on dispositive issues, which district judges may "accept, reject, or modify, in whole or in part." 28 U.S.C. § 636(b)(1)(C). Where, as here, neither party objects to a magistrate judge's recommendation, the district court is not required to perform any review of that judge's conclusions. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Judge Weksler recommends denial of Mr. Lucas's preliminary injunction motion because Mr. Lucas has failed to satisfy the four-factor test for issuance or preliminary injunctions identified in *Winter v. Natural Resources Defense Council, Inc.* 555 U.S. 7, 20 (2008); (ECF No. 14 at 4-5). Judge Weksler recommends denial of Mr. Lucas's motions for judgment and summary judgment because, at the time Mr. Lucas filed those motions, Defendants had not entered an appearance and had no chance to defend. (ECF No. 14 at 5.) Mr. Lucas has

1 not objected to Judge Weksler's R&R, and his time to do so has now expired. (*Id.*
2 at 7.)

3 The Court agrees with Judge Weksler's reasoning and adopts her R&R in
4 full.

5 It is therefore ordered that Judge Weksler's report and recommendation
6 (ECF No. 14) is adopted in full.

7 It is further ordered that Plaintiff Daryll Lucas's motion for preliminary
8 injunction (ECF Nos. 4, 5) is denied.

9 It is further ordered that Mr. Lucas's motion for summary judgment (ECF
10 No. 6) is denied.

11 It is further ordered that Mr. Lucas's motion for judgment (ECF No. 8) is
12 denied.

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14 Dated this 20th day of August 2024.

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18 ANNE R. TRAUM
19 UNITED STATES DISTRICT JUDGE
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